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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,346	01/02/2002	Martin Stumpert	027559-042	6457

7590 10/26/2005

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EXAMINER

JUNG, MIN

ART UNIT PAPER NUMBER

2663

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/037,346	<b>Applicant(s)</b> STUMPERT ET AL.	
	<b>Examiner</b> Min Jung	<b>Art Unit</b> 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-7,9,15 and 18 is/are allowed.
- 6) ☒ Claim(s) 4,8,10,13,14,16,17 and 19 is/are rejected.
- 7) ☒ Claim(s) 11,12,20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: At page 9-10, the BRIEF DESCRIPTION OF THE DRAWINGS fails include the description of Figure 8.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 8, 13, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 3, it seems that "according" should be changed to "according to" to remove any indefiniteness.

In claims 8 and 13, the first input condition in the table 'Delivery of erroneous SDUs' associates it "for each subflow", which is not defined. Therefore, it is not clear what "each subflow" is referring to since it is not mentioned anywhere else in the claims 8 and 13.

In claim 16, line 4, it seems that "according" should be changed to "according to" to remove any indefiniteness.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barany et al., US 6,839,356 (Barany).

Barany discloses a system and method for controlling a wireless packet switched voice call.

Specifically regarding claims 10 and 19, Barany teaches transmission of speech frames from the GERAN/UTRAN base station (reads on RNC of the present invention) to the SGSN (reads on MGW of the present invention). Once the GERAN/UTRAN has determined QoS based upon the CRC and the information bits associated with an RTP/UDP/IP datagram, FQI (Frame Quality Indicator) is set either to 1 or 0. See col.16, lines 24-38. The operation regarding the reverse direction is described briefly at col. 16, lines 39-43, stating that GERAN/UTRAN base station reception of speech frames or SID frames from SGSN, FQI can be set either to 1 or 0. Barany also teaches downlink transmission in which GERAN/UTRAN performs CRC and sets FQI to either 1 or 0 based on the CRC result and other information. See col. 15, lines 44-67. Barany fails to specifically teach that the data on which the CRC is performed is the data received from a MGW of the CN. However, Barany specifically teaches the transmission from

GERAN/UTRAN base station to the SGSN which is in the core network also including MGW. Note that the GERAN/UTRAN is also communicating with the MGW 320A as is apparent from the Figure 3. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify the Barany's teaching to perform a CRC on the data received from the MGW as well as / or instead of performing CRC on the data received from the SGSN, to determine on the quality indicator FQI.

Regarding claim 14, Barany further fails to specifically teach RRC protocol. In the present invention, RRC protocol is used as a protocol for connecting user equipment to UTRAN. In Barany, user equipment 346 and 348 are connected to UTRAN via a radio interface although which protocol to be used is not specified. Since the interface is of the same nature between the present invention and in Barany's teaching, it would have been obvious for one of ordinary skill in the art at the time of the invention to readily adopt the well known RRC protocol for the connection between the user equipment and the UTRAN.

***Allowable Subject Matter***

6. Claims 1-9, and 15-18 allowed.
7. Claims 11-12 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Rasanen et al. PG Pub., the Numminen et al. Patent, the Gopalakrishna et al. PG Pub., the Rune et al. PG Pub., and the Dahlman et al. patent are cited for further references.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday, Thursday, Friday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ  
October 24, 2005

  
Min Jung  
Primary Examiner